

EXHIBIT 1

Print

Page 1 of 2

From: dave cummin <docded44@yahoo.com>
Date: January 6, 2014 at 1:50:05 PM EST
To: Hocking County Commissioners <commissioners@co.hocking.oh.us>
Subject: **Coroner Employees**
Reply-To: dave cummin <docded44@yahoo.com>

Jan 2 at 5:22 PM
David Cummin, MD
Hocking County Coroner
PO Box 917
Logan, OH 43138
January 2, 2014

Hocking County Commissioners

1 E. Main Street

Logan, OH 43138

Dear Commissioners:

I am regretfully writing to inform you of the resignation of my investigators due to lack of funding provided for their salaries. This was a concern of mine that I addressed on the record with you at an open Commissioner Meeting in late October 3, 2013. You asked me what was necessary to retain my employees and told me to place \$24,000.02 in my budgetary line-item for employee salaries and then you would address it. Despite me doing exactly as instructed, that amount was denied and thereby you essentially terminated my employees. I do not understand your purpose of having me doing meaningless work, only to be denied the requested result, without even a phone call.

Print

Page 2 of 2

The Hocking County citizens had invested in at least twenty certified death investigator education hours for both investigators on a yearly basis. Jamie Walsh, a veteran of the office of eight years, and Mike Downour, a veteran of thirteen years, provided the county their dedicated service to assist law enforcement and the decedent families with their expertise, promptness, and compassion. With their assistance, the Hocking County Coroner Office has never mishandled a death investigation or been named in a law suit. They never asked to be reimbursed for mileage for the use of their vehicles. Lastly they were available and showed up to all death scenes since I took office, twenty-four hours a day, three hundred sixty-five days a year. They saved the county the cost of a deputy coroner physician by covering me when I was out of town or otherwise unavailable so that a trained death investigator was on all death scenes.

Clearly things will be different in the future. Please let me know what your plans for managing the caseload in an effective manner.

As Commissioners, if you deny me the tools necessary to do my job, then you will be the ones held accountable for my inability to do my elected job. I will be sending a letter to law enforcement offices, EMS, the 911 operators, funeral directors, and the hospital to notify you for their concerns as well as notifying the public for the imminent problems ahead. I predict that your defunding of my employees will be a costly mistake for the taxpayers of Hocking County.

Since I no longer have any staff to cover me, I will refer the above agencies to you for your contingency plans and I ask you to please forward them your personal contact numbers, including cell numbers and home phone numbers, so that their questions may be addressed and there is a seamless transition for all of those involved.

I will be out of town for medical educational conferences Thursday, January 9 – Sunday January 12, 2013 and Thursday, January 23 – Sunday January 26, 2013. I will be unavailable during those times and I will need you to find me coverage. I will let you know on a continuing monthly basis of my future planned absences and vacations so that you may plan accordingly.

Sincerely,
David Cummin, MD
Hocking County Coroner

EXHIBIT 2

Sheriff Lanny North

From: Laina Fetherolf
Sent: Monday, July 14, 2014 12:00 PM
To: Sheriff Lanny North
Subject: Re: Coroner letter

The main effect of it, from my perspective, is that it means that next time he won't be contending with us, but with them, and WE have some assurance that they'll intervene. I agree that he will be unfazed, and told them so.

Also, I intend to continue looking at the Gorniak bill as an open investigation in the hopes of charging it as a felony if we discover she was not privy to it. That's our best course of action if we can prove it. A felony is immediate removal from office.

Apparently, the records situation is happening across the state, so they're not particularly concerned with it. They also don't believe that Gorniak is necessarily violating anything because the statute just prevents her from engaging in "private practice" but apparently they've already allowed another coroner to be both a full time coroner and work parttime for another. If I'd known this before, I would have been running all over the state making money off of other prosecutors.

My conversation with them left me very frustrated. But I'm willing to be patient a little longer if it means we finally have them on the hook to help.

Sent from my iPhone

On Jul 14, 2014, at 11:50 AM, "Sheriff Lanny North" <Sheriff@co.hocking.oh.us> wrote:

Laina,

I understand the AG is going to send the Coroner a last chance letter.
I wasn't sure of what all the letter entailed other than I had requested BCI to conduct an investigation.

How many letters has he received over the years from you advising him is in violation of the law. Not to mention the endless hours of meeting with Dave Warren and Steve Schlerholt from BCI about his behavior.

- *He has violated the court ordered protocol.
- *He maintains coroner files in his private office.
- *He releases bodies of individuals who died from violent deaths without consulting with either one of us.
- *He leaves the county unattended for days without providing any deputy coroner coverage. It's my understanding the family from the last death is considering conferring with attorney.

It isn't the AG that has to contend with his continual reckless disregard of the law by failing to perform his job duties. And is it isn't the AG who receives the calls from Commissioners and first responders whenever the Coroner isn't available.

I know I am not telling you anything you don't already know.

Given his past demeanor, I just don't believe a last chance letter is going to make a difference on how he handles situations in the future.

He will continue to do whatever he pleases and we will be discussing this all over again.

He knows he can do whatever he wishes and suffer no consequences for his actions. Even filing of a criminal charge against him may not, but it may make him realize we are not going to tolerate his behavior anymore.

But it may be a start.

Lanny

Sheriff Lanny North

From: Laina Fetherolf
Sent: Monday, July 14, 2014 1:16 PM
To: Sheriff Lanny North
Subject: Re: Coroner letter

Right, then they tried to say that about \$2700 would fix the issue because he could add that to his travel budget and get the \$12,000 for a new employee. I told them the travel line item was for paying funeral homes to transport bodies, and that the "employees" who suddenly were unavailable were his friends and it was all a big conspiracy.

Sent from my iPhone

On Jul 14, 2014, at 1:14 PM, "Sheriff Lanny North" <Sheriff@co.hocking.oh.us> wrote:

Apparently there is more going on than I am aware of.
Friday, Schierholt ask me for copies of his budget for 2013 & 2014, which I sent to him to indicate it wasn't actually cut.

From: Laina Fetherolf
Sent: Monday, July 14, 2014 12:11 PM
To: Sheriff Lanny North
Subject: Re: Coroner letter

Also, if the family files a report with us, I'm going to have to consider whether to file on their behalf as well.

We can discuss more in detail tomorrow or Wednesday, because they had various excuses/justifications he provided through the coroners association that I shot down.

Sent from my iPhone

On Jul 14, 2014, at 11:50 AM, "Sheriff Lanny North" <Sheriff@co.hocking.oh.us> wrote:

Laina,

I understand the AG is going to send the Coroner a last chance letter.
I wasn't sure of what all the letter entailed other than I had requested BCI to conduct an investigation.

How many letters has he received over the years from you advising him is in violation of the law. Not to mention the endless hours of meeting with Dave Warren and Steve Schierholt from BCI about his behavior.

- *He has violated the court ordered protocol.
- *He maintains coroner files in his private office.
- *He releases bodies of individuals who died from violent deaths without consulting with either one of us.

*He leaves the county unattended for days without providing any deputy coroner coverage. It's my understanding the family from the last death is considering conferring with attorney.

It isn't the AG that has to contend with his continual reckless disregard of the law by failing to perform his job duties. And is it isn't the AG who receives the calls from Commissioners and first responders whenever the Coroner isn't available.

I know I am not telling you anything you don't already know.

Given his past demeanor, I just don't believe a last chance letter is going to make a difference on how he handles situations in the future.
He will continue to do whatever he pleases and we will be discussing this all over again.

He knows he can do whatever he wishes and suffer no consequences for his actions. Even filing of a criminal charge against him may not, but it may make him realize we are not going to tolerate his behavior anymore.

But it may be a start.

Lanny

EXHIBIT 3

Sheriff Lanny North

From: Laina Fetherolf
Sent: Wednesday, July 16, 2014 8:19 AM
To: Sheriff Lanny North
Subject: Re: LDN article

What's new? And they wonder why I won't comment.

Sent from my iPhone

> On Jul 16, 2014, at 8:18 AM, "Sheriff Lanny North" <Sheriff@co.hocking.oh.us> wrote:

>

> Article is full of falsehoods.

>

> And apparently one-sided!

>

>

>

> -----Original Message-----

> From: Laina Fetherolf

> Sent: Wednesday, July 16, 2014 8:18 AM

> To: Sheriff Lanny North

> Subject: Re: LDN article

>

> I saw. Clearly he's oblivious to the fact that I have many other remedies available for his bad behavior.

>

> Sent from my iPhone

>

>> On Jul 16, 2014, at 8:16 AM, "Sheriff Lanny North" <Sheriff@co.hocking.oh.us> wrote:

>>

>>

>>

>>

>>

>> <Logandaily pg 1 7-16-14.pdf>

>> <Logandaily pg 2 7-16-14.pdf>

EXHIBIT 4

COPY TO SERVE

HOCKING COUNTY MUNICIPAL COURT

1 East Main Street, Logan, Ohio 43138

(740) 385 2250

([HTTP://www.hockingcountymunicipalcourt.com](http://www.hockingcountymunicipalcourt.com))

FILED

JUL 23 2014

**HOCKING COUNTY
MUNICIPAL COURT**

State of Ohio/City of Logan

: Case No.: CRB 1400714

Plaintiff :

Vs. :

Judge Frederick T. Moses

DAVID L CUMMIN

11423 HELBER ROAD

LOGAN, OH 43138

: **Summons Upon Complaint**

Defendant :

FORM VI

TO THE ABOVE NAMED DEFENDANT:

A Complaint, a copy of which is attached hereto, has been filed in the above named court charging you with the following:

2921.44E DERELICTION OF

You are hereby summoned and ordered to appear in this Court on **08/11/2014 at 08:15 AM.**

Date: July 23, 2014

Michele Bell

Clerk of Court

By 

Clerk/Deputy Clerk

TO: Hocking County Sheriff's Office

RETURN OF SERVICE

PERSONAL

Received this writ on _____ at _____ o'clock __m, and served the same by personal service on _____, at _____.

FAILURE OF SERVICE

Received this writ on _____ at _____ o'clock __m, and was unable to serve the same for the following reason

FEES

SERVICE \$ _____
MILES \$ _____
TOTAL \$ _____

By _____

Officer Serving Writ

COPY TO SERVE

HOCKING COUNTY MUNICIPAL COURT
HOCKING COUNTY, OHIO

State of Ohio
/City of Logan/

v.

David L. Cummin

name

11423 Helber Road

street

Logan

city

Ohio

state

43138

zip

NO.

CB1400714

FILED

JUL 23 2014

HOCKING COUNTY
MUNICIPAL COURT

Complainant being duly sworn states that David L. Cummin

defendant

at 16095 Sherman Street

place

Hocking County, Ohio on or about January 10, 2014,

did, No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office; to wit: Coroner David L. Cummin did knowingly and recklessly leave Hocking County without any Coroner coverage on January 10, 2014, thus leaving us without a Coroner. Russell Swackhammer died unattended and we had difficulty finding his family physician to have him sign off on the death certificate which was finally done after several hours.

in violation of Section 2921.44E of the Ohio Revised Code.

Dereliction of duty
M-2

Det. Sgt. Ed Downs

Complainant

Sworn to and subscribed before me by Detective Sergeant Ed Downs on July 23, 2014

/ Judge / Clerk / Deputy Clerk /
Hocking County Municipal Court

or

Det. Sgt. Ed Downs
PEACE OFFICER

Authorized To Administer Oaths Pursuant to ORC 2935.08.1

HOCKING COUNTY MUNICIPAL COURT

1 East Main Street, Logan, Ohio 43138

(740) 385 2250

([HTTP://www.hockingcountymunicipalcourt.com](http://www.hockingcountymunicipalcourt.com))

FILED

JUL 23 2014

**HOCKING COUNTY
MUNICIPAL COURT**

State of Ohio/City of Logan

: Case No.: CRB 1400715

Plaintiff :

Vs.

: Judge Frederick T. Moses

DAVID L CUMMIN

11423 HELBER RD

LOGAN, OH 43138

: **Summons Upon Complaint**

Defendant :

COPY TO SERVE

FORM VI

TO THE ABOVE NAMED DEFENDANT:

A Complaint, a copy of which is attached hereto, has been filed in the above named court charging you with the following:

2921.44E DERELICTION OF

You are hereby summoned and ordered to appear in this Court on **08/11/2014 at 08:15 AM.**

Date: July 23, 2014

Michele Bell

Clerk of Court

Kyle Whitson

By

Clerk/Deputy Clerk

TO: Hocking County Sheriff's Office

RETURN OF SERVICE

PERSONAL

Received this writ on _____ at _____ o'clock __m, and served the same by personal service on _____, at _____.

FAILURE OF SERVICE

Received this writ on _____ at _____ o'clock __m, and was unable to serve the same for the following reason

FEES

SERVICE \$ _____
MILES \$ _____
TOTAL \$ _____

By

Officer Serving Writ

HOCKING COUNTY MUNICIPAL COURT
HOCKING COUNTY, OHIO

COPY TO SERVE

State of Ohio
/City of Logan/

v.

David L. Cummin

name

11423 Helber Road

street

Logan

city

Ohio

state

43138

zip

NO.

CPB 1400715

FILED

JUL 23 2014

HOCKING COUNTY
MUNICIPAL COURT

Complainant being duly sworn states that David L. Cummin

defendant

at Hocking Valley Community
Hospital

place

Hocking County, Ohio on or about July 3 to July 6 ,2014,

did, No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office; to wit: Coroner David L. Cummin did knowingly and recklessly leave Hocking County without any Coroner coverage between July 3 and July 6, 2014, thus resulting in leaving a decedant lie in the Hocking Valley Community Hospital Morgue from July 3, 2014 at approximately 2pm until July 5, 2014 at approximately 6:30 pm at his direction. This resulted in the Athens County Coroner's Office having to release the body.

in violation of Section 2921.44E of the Ohio Revised Code.

Dereliction of duty
M-2

Det. Sgt. Ed Downs

Complainant

Sworn to and subscribed before me by Detective Sergeant Ed Downs on July 23 ,2014

/ Judge / Clerk / Deputy Clerk /
Hocking County Municipal Court

or

PEACE OFFICER
Authorized To Administer Oaths Pursuant to ORC 2935.08.1

HOCKING COUNTY MUNICIPAL COURT

1 East Main Street, Logan, Ohio 43138

(740) 385 2250

([HTTP://www.hockingcountymunicipalcourt.com](http://www.hockingcountymunicipalcourt.com))

State of Ohio/City of Logan : Case No.: CRB 1400713 A

Plaintiff :

Vs. :

Judge Frederick T. Moses

DAVID L CUMMIN

11423 HELBER RD

LOGAN, OH 43138

Defendant :

Summons Upon Complaint

COPY TO SERVE

FILED

JUL 23 2014

HOCKING COUNTY
MUNICIPAL COURT

FORM VI

TO THE ABOVE NAMED DEFENDANT:

A Complaint, a copy of which is attached hereto, has been filed in the above named court charging you with the following:

2921.31 OBSTRUCTING OFF

You are hereby summoned and ordered to appear in this Court on **08/11/2014 at 08:15 AM.**

Date: July 23, 2014

Michele Bell

Clerk of Court

Cindy L Kaster

By

Clerk/Deputy Clerk

TO: HOCKING COUNTY SHERIFF

RETURN OF SERVICE

PERSONAL

Received this writ on _____ at _____ o'clock __m, and served the same by personal service on _____, at _____.

FAILURE OF SERVICE

Received this writ on _____ at _____ o'clock __m, and was unable to serve the same for the following reason

FEES

SERVICE \$ _____
MILES \$ _____
TOTAL \$ _____

By

Officer Serving Writ

HOCKING COUNTY MUNICIPAL COURT
HOCKING COUNTY, OHIO

State of Ohio
/City of Logan/

v.

David L. Cummin

name

11423 Helber Road

street

Logan

city

Ohio

state

43138

zip

NO.

CRB 1400713A

FILED

JUL 23 2014

HOCKING COUNTY
MUNICIPAL COURT

Complainant being duly sworn states that David L. Cummin

defendant

at 15780 State Route 678

place

Hocking County, Ohio on or about July 19, ,2014

did, No person, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties; to wit: Coroner Cummin told Commissioner Walker that he didn't have any money in the lab/morgue and would not send the body for autopsy until he had it in writing that the commissioners would transfer the money into that fund.

in violation of Section 2921.31 of the Ohio Revised Code.

Obstructing Official Business
M-2

Det. Sgt. Ed Downs

Complainant

Sworn to and subscribed before me by Detective Sergeant Ed Downs on July 23 ,2014

/ Judge / Clerk / Deputy Clerk /
Hocking County Municipal Court

or

PEACE OFFICER

Authorized To Administer Oaths Pursuant to ORC 2935.081

HOCKING COUNTY MUNICIPAL COURT
HOCKING COUNTY, OHIO

State of Ohio
/City of Logan/

v.

David L. Cummin

name

11423 Helber Road

street

Logan

city

Ohio
state

43138
zip

NO. CRB 1400 713 B

FILED

JUL 23 2014

HOCKING COUNTY
MUNICIPAL COURT

Complainant being duly sworn states that David L. Cummin
defendant

at 15780 State Route 378 Hocking County, Ohio on or about July 19, 2014,
place

did, No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office; to wit: Coroner David L. Cummin did knowingly and recklessly leave Hocking County without any Coroner coverage on July 19, 2014 through July 20, 2014, thus resulting in failing to respond to the scene of a double shooting with one person deceased because he was not in town and told a Commissioner that he didn't have any money in the lab/morgue and would not send the body for autopsy until he had it in writing that the commissioners would transfer the money into that fund.

in violation of Section 2921.44E of the Ohio Revised Code.

Dereliction of duty
M-2

Det. Sgt. Ed Downs

Complainant

Sworn to and subscribed before me by Detective Sergeant Ed Downs on July 23, 2014

/ Judge / Clerk / Deputy Clerk /
Hocking County Municipal Court

or

[Signature]

PEACE OFFICER

Authorized To Administer Oaths Pursuant to ORC 2935.08.1

HOCKING COUNTY MUNICIPAL COURT
HOCKING COUNTY, OHIO

State of Ohio
/City of Logan/

v.

David L. Cummin

name

11423 Helber Road

street

Logan

city

Ohio

state

43138

zip

NO.

CRB 1400 713 C

FILED

JUL 23 2014

HOCKING COUNTY
MUNICIPAL COURT

Complainant being duly sworn states that David L. Cummin

defendant

at 15780 State Route 678

place

Hocking County, Ohio on or about

July 19

,2014,

did, No person, with purpose to coerce another into taking or refraining from action concerning which the other person has a legal freedom of choice, shall take, withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld; to wit: Coroner Cummin told Commissioner Walker that he didn't have any money in the lab/morgue fund and would not send the body of a homicide victim for an autopsy until he had it writing.

in violation of Section 2905.12A5 of the Ohio Revised Code.

Coercion

M-2

Det. Sgt. Ed Downs

Complainant

Sworn to and subscribed before me by

Detective Sergeant Ed

on

July 23

,2014

Downs

/ Judge / Clerk / Deputy Clerk /
Hocking County Municipal Court

or

PEACE OFFICER

Authorized To Administer Oaths Pursuant to ORC 2935.08.1